IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 12029 of 2005

Between:

Yepuri Satyanarayana, S/o.China Swamy,
APSRTC Ravulapalem, R/o.5-92/5/A, Almuru,

East Godavari District.

..... PETITIONER

AND

1 APSRTC., Rep by its Managing Director, Musheerabad,Hyderabad.
2 The Divisional Manager (DVM), APSRTC., Rajahmundry, E.G.District.
3 The COS, Zonal Stores, Vizianagaram, Vizianagaram District.
4 The Depot Manager, APSRTC, Ravulapalem Depot, Ravulapalem E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of writ of mandamus declaring the action of the 4th respondent in issuing the show cause notice of removal vide No.M1/114(3)/04-RVPM, dt.2-6-2005, is illegal, arbitrary, without power or jurisdiction and against the Regulation 10(2) of APSRTC Employees (Classification, Control and Appeal)Regulation 1967, consequently set aside the show cause notice of removal vide No.M1/114(3)/04-RVPM., dt.2-6-2005 issued by the 4th respondent and to pass such other order or orders.

Counsel for the Petitioner : MR.K.L.N.SWAMY.

Counsel for the Respondents: MS. B.G.Umadevi (SC FOR APSRTC).

The Court at the admission stage made the following :

O R D E R:

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This writ petition is filed by the petitioner questioning the show cause notice issued by the 4th respondent, dated 02.06.2005 proposing to impose punishment of removal from service.

2. According to the petitioner, the Depot Manager is not competent to impose punishment against the petitioner and it is only the Senior Scale Officer, who is competent, and the Depot Manager, being a Junior Scale Officer, is not competent. Therefore, the show cause notice of removal is liable to be set aside.

3. Heard both the learned counsel and considered the material on record.

4. At the time of hearing it is brought to the notice of this Court that during the pendency of the writ petition, the Managing Director of the respondent Corporation issued Proceedings dated 24.06.2005 clarifying that the Junior Scale Officer is empowered to initiate disciplinary action and he can also place the Officers up to the rank of Deputy Superintendent under suspension, duly obtaining the sanction of the Senior Scale Officer, but the Junior Scale Officer cannot issue show cause notice of removal, or impose punishment under Regulation 8(1)(vii) to (ix) of the APSRTC (CC & A) Regulations, 1967.

4. In view of the above clarification, it is clear that the contention of the petitioner is accepted by the Corporation that the Junior Scale Officer i.e., the 4th respondent herein is not entitled to issue the impugned show cause notice.

5. Therefore, the impugned show cause notice is set aside. However, it is made clear that the Corporation is entitled to take appropriate action in accordance with law.

6. The writ petition is accordingly allowed. No costs.

S. Ananda Reddy, J.

Dt. 29..06..2005

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To

1 The Managing Director, APSRTC, Musheerabad,Hyderabad.
2 The Divisional Manager (DVM), APSRTC., Rajahmundry, E.G.District.
3 The COS, Zonal Stores, Vizianagaram, Vizianagaram District.
4 The Depot Manager, APSRTC, Ravulapalem Depot, Ravulapalem E.G.District.

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